

RETURN DATE: FEBRUARY 18, 2020 : SUPERIOR COURT
CITY OF NORWALK : J.D. OF STAMFORD
V. : AT STAMFORD
JOHN POLMON : JANUARY 22, 2020

COMPLAINT

1. This is an action for reimbursement of workers compensation benefits brought pursuant to Connecticut General Statutes §31-293(a).
2. At all times mentioned herein the Plaintiff, City of Norwalk ("Plaintiff"), employed Matthew Nyquist (hereinafter "Nyquist") as a police officer.
3. At all times mentioned herein West Avenue is a public road in the City of Norwalk, Connecticut.
4. On or about February 3, 2018 at approximately 1:37 a.m., the Plaintiff's employee Matthew Nyquist ("Nyquist") was operating a Ford Explorer owned by City of Norwalk, which was traveling northbound on West Avenue, a public highway, at or near North Water Street in Norwalk, Connecticut with his emergency lights and siren on when he began making a u turn.

5. At said time and place, the Defendant, John Polmon ("Polmon") was operating a motor vehicle he owned, traveling northbound on West Avenue in the far left lane in Norwalk, Connecticut when he suddenly and without warning forcibly collided with the vehicle operated by Nyquist.
6. The collision and resulting injuries and damages were caused by the negligence and/or carelessness of Defendant Polmon in one or more of the following ways:
 - a. In that he failed to keep a reasonable and proper lookout for other vehicles on the road;
 - b. In that he failed to stop, turn or swerve the vehicle as to avoid the collision;
 - c. In that he failed to sound the horn or give a timely warning of the impending collision;
 - d. In that he failed to keep the vehicle under proper control;
 - e. In that he failed to take any evasive action;
 - f. In that he was inattentive in the operation of the vehicle and failed to keep a proper lookout for vehicles which might be upon the highway;
 - g. In that he was driving said vehicle at a rate of speed greater than was reasonable, having due regard to the width, traffic and use of highway, road or

parking area, the intersection of streets and weather conditions, in violation of §14-218a of the Connecticut General Statutes;

- h. In that he did not have upon said vehicle brakes adequate and sufficient to slow or stop it in violation of Connecticut General Statutes §14-80 and/or she failed to apply her brakes and stop her vehicle when in the exercise of due care she should have known that a collision was imminent;
 - i. In that he failed to yield right of way to the vehicle being operated by Nyquist in violation of §14-301 of the Connecticut General Statutes; and/or;
 - j. In that he did not use the degree of care which a reasonable and prudent person would have used under like circumstances;
 - k. In that he failed to yield to an emergency vehicle in violation of §14-2386(b) of the Connecticut General Statutes;
7. As a result of the carelessness and negligence of Defendant Polmon, Plaintiff's employee Matthew Nyquist sustained injuries, including but not limited to his right hand and thumb, which injuries are permanent in nature.
8. As a result of said injuries caused by the carelessness and negligence of Defendant Polmon, as aforesaid, the Plaintiff provided Nyquist with medical attention, has paid for sums of medical treatment and incidental expenses, and may be obligated in the

future to expend additional sums for medical treatment, in accordance with the Workers' Compensation Act, Chapter 568 of the Connecticut General Statutes (hereinafter the "Act").

9. As a further result of said accident the Plaintiff was obligated to pay sums of money in payment for compensation to Nyquist, and may be obligated in the future to expend additional sums for additional compensation that may be required by the Act, awarded by the Workers' Compensation Commissioner or that may be agreed upon by the parties.

WHEREFORE, the Plaintiff City of Norwalk Claims:

1. Reimbursement pursuant to Connecticut General Statutes §31-293(a) for any and all benefits paid, or to be paid on behalf of its employee, Matthew Nyquist;
2. Such other relief as this court deems fair and equitable.

THE PLAINTIFF, CITY OF NORWALK

By 

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STATEMENT OF AMOUNT IN DEMAND

The amount, legal interest, or property in demand is greater than FIFTEEN THOUSAND DOLLARS (\$15,000.00), exclusive of interest and costs.

THE PLAINTIFF, CITY OF NORWALK

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